

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	STEVEN BRADLEY HODGES,	Case No. 3:21-cv-00095-MMD-WGC
4		ORDER
5	v.	
6	PERRY RUSSELL et al.,	
7		Defendants
8		

9 **I. DISCUSSION**

10 On November 8, 2021, the Court issued a screening order permitting one claim to  
11 proceed and dismissing some claims with leave to amend and some claims with  
12 prejudice. (ECF No. 4 at 8). The Court granted Plaintiff 30 days from the date of that  
13 order to file an amended complaint curing the deficiencies of the complaint. (*Id.*) The  
14 Court specifically stated that if Plaintiff chose not to file an amended complaint, the action  
15 would proceed against Defendants Daniels and Jane Doe (when Plaintiff learns her  
16 identity) for Fourteenth Amendment due process violations only. (*Id.* at 9). Plaintiff has  
17 not filed an amended complaint. Pursuant to the screening order, this action will proceed  
18 against Defendants Daniels and Jane Doe for Fourteenth Amendment due process  
19 violations only.

20 **II. CONCLUSION**

21 For the foregoing reasons, IT IS ORDERED that, pursuant to the Court's screening  
22 order (ECF No. 4), this action will proceed against Defendants Daniels and Jane Doe  
23 (when Plaintiff learns her identity) for Fourteenth Amendment due process violations only.

24 IT IS FURTHER ORDERED that given the nature of the claim(s) that the Court has  
25 permitted to proceed, this action is STAYED for 90 days to allow Plaintiff and Defendant(s)  
26 an opportunity to settle their dispute before the \$350.00 filing fee is paid, an answer is  
27 filed, or the discovery process begins. During this 90-day stay period and until the Court  
28 lifts the stay, no other pleadings or papers may be filed in this case, and the parties may

1 not engage in any discovery, nor are the parties required to respond to any paper filed in  
2 violation of the stay unless specifically ordered by the court to do so. The Court will refer  
3 this case to the Court's Inmate Early Mediation Program, and the Court will enter a  
4 subsequent order. Regardless, on or before 90 days from the date this order is entered,  
5 the Office of the Attorney General will file the report form attached to this order regarding  
6 the results of the 90-day stay, even if a stipulation for dismissal is entered prior to the end  
7 of the 90-day stay. If the parties proceed with this action, the Court will then issue an  
8 order setting a date for Defendants to file an answer or other response. Following the  
9 filing of an answer, the Court will issue a scheduling order setting discovery and  
10 dispositive motion deadlines.

11 IT IS FURTHER ORDERED that "settlement" may or may not include payment of  
12 money damages. It also may or may not include an agreement to resolve Plaintiff's issues  
13 differently. A compromise agreement is one in which neither party is completely satisfied  
14 with the result, but both have given something up and both have obtained something in  
15 return.

16 IT IS FURTHER ORDERED that if the case does not settle, Plaintiff will be required  
17 to pay the full \$350.00 statutory filing fee for a civil action. This fee cannot be waived, and  
18 the fee cannot be refunded once the Court enters an order granting Plaintiff's application  
19 to proceed *in forma pauperis*. If Plaintiff is allowed to proceed *in forma pauperis*, the fee  
20 will be paid in installments from his prison trust account. See 28 U.S.C. § 1915(b). If  
21 Plaintiff is not allowed to proceed *in forma pauperis*, the full \$350 statutory filing fee for a  
22 civil action plus the \$52 administrative filing fee, for a total of \$402, will be due  
23 immediately.

24 IT IS FURTHER ORDERED that if any party seeks to have this case excluded from  
25 the inmate mediation program, that party will file a "motion to exclude case from  
26 mediation" no later than 21 days prior to the date set for mediation. The responding party  
27 will have 7 days to file a response. No reply will be filed. Thereafter, the Court will issue  
28 an order, set the matter for hearing, or both.

1 IT IS FURTHER ORDERED that the Clerk of the Court will electronically SERVE  
2 a copy of this order, the original screening order (ECF No. 4) and a copy of Plaintiff's  
3 complaint (ECF No. 5) on the Office of the Attorney General of the State of Nevada, by  
4 adding the Attorney General of the State of Nevada to the docket sheet. This does not  
5 indicate acceptance of service.

6 IT IS FURTHER ORDERED that the Attorney General's Office will advise the Court  
7 within 21 days of the date of the entry of this order whether it will enter a limited notice of  
8 appearance on behalf of Defendants for the purpose of settlement. No defenses or  
9 objections, including lack of service, will be waived as a result of the filing of the limited  
10 notice of appearance.

11 DATED: December 16, 2021.

William G. Cobb  
United States Magistrate Judge

# UNITED STATES DISTRICT COURT

# **DISTRICT OF NEVADA**

STEVEN BRADLEY HODGES,

## Plaintiff

Case No. 3:21-cv-00095-MMD-WGC

## REPORT OF ATTORNEY GENERAL RE: RESULTS OF 90-DAY STAY

V.

PERRY RUSSELL et al.,

## Defendants

**NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.  
THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.**

On \_\_\_\_\_ [the date of the issuance of the screening order], the Court issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. The Court ordered the Office of the Attorney General of the State of Nevada to file a report ninety (90) days after the date of the entry of the Court's screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

## REPORT FORM

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

**Situation One: Mediated Case:** The case was assigned to mediation by a court-appointed mediator during the 90-day stay. [If this statement is accurate, check ONE of the six statements below and fill in any additional information as required, then proceed to the signature block.]

— A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have reached a settlement (even if paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)

— A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

- No mediation session with a court-appointed mediator was held during the 90-day stay, but the parties have nevertheless settled the case. *(If this box is checked, the parties are on notice that they must SEPARATELY file a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)*
- No mediation session with a court-appointed mediator was held during the 90-day stay, but one is currently scheduled for \_\_\_\_\_ [enter date].
- No mediation session with a court-appointed mediator was held during the 90-day stay, and as of this date, no date certain has been scheduled for such a session.
- None of the above five statements describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

\* \* \* \*

**Situation Two: Informal Settlement Discussions Case:** The case was NOT assigned to mediation with a court-appointed mediator during the 90-day stay; rather, the parties were encouraged to engage in informal settlement negotiations. [If this statement is accurate, check **ONE** of the four statements below and fill in any additional information as required, then proceed to the signature block.]

- The parties engaged in settlement discussions and as of this date, the parties have reached a settlement (even if the paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)
- The parties engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.
- The parties have not engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.
- None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by:

Attorney Name: \_\_\_\_\_

Print

**Signature**

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